

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 TRAVIS POOLE,

Case No. 2:20-cv-01763-GMN-BNW

4 Plaintiff

ORDER

5 v.

6 SHERIFF JOE LOMBARDO,

7 Defendant

8
I. DISCUSSION

On September 21, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- 18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
20 page 3),
- 21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court’s approved form), and
- 23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
24 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
25 Plaintiff must still submit an inmate account statement for the dates he has been present
26 at the facility.

Plaintiff has not submitted a financial certificate or an inmate account statement for the previous six-month period. Accordingly, the Court denies Plaintiff’s application to

1 proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is
2 incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete
3 application to proceed *in forma pauperis* containing all three of the required documents.
4 Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before
5 **November 23, 2020**. Absent unusual circumstances, the Court will not grant any further
6 extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma*
7 *pauperis* with all three required documents on or before **November 23, 2020**, the Court
8 will dismiss this case without prejudice for Plaintiff to file a new case with the Court when
9 Plaintiff is able to acquire all three of the documents needed to file a fully complete
10 application to proceed *in forma pauperis* or pays the full \$400 filing fee.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the
12 case with the Court, under a new case number, when Plaintiff has all three documents
13 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
14 may choose not to file an application to proceed *in forma pauperis* and instead pay the
15 full filing fee of \$400 on or before **November 23, 2020** to proceed with this case.

16 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
17 will not file the complaint unless and until Plaintiff timely files a fully complete application
18 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
21 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
22 application to proceed *in forma pauperis* with all three documents.

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
24 approved form application to proceed *in forma pauperis* by an inmate, as well as the
25 document entitled information and instructions for filing an *in forma pauperis* application.

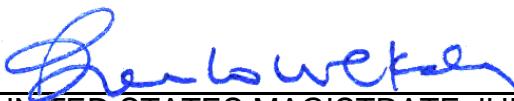
26 IT IS FURTHER ORDERED that on or before **November 23, 2020**, Plaintiff will
27 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
28 the \$50 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
3 signatures on page 3),
4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
5 official (i.e. page 4 of this Court's approved form), and
6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
7 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
8 Plaintiff must still submit an inmate account statement for the dates he has been present
9 at the facility.

10 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
11 application to proceed *in forma pauperis* with all three documents or pay the full \$400
12 filing fee for a civil action on or before **November 23, 2020**, the Court will dismiss this
13 action without prejudice for Plaintiff to refile the case with the Court, under a new case
14 number, when Plaintiff has all three documents needed to file a complete application to
15 proceed *in forma pauperis* or pays the the full \$400 filing fee.

16 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
17 (ECF No.1-1) but will not file it at this time.

18 DATED: September 28, 2020.

19 
20 Gwendolyn
21 UNITED STATES MAGISTRATE JUDGE

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